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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/562,178	07/31/2006	Mikael Svensson	1175/75652	4135
23432 7590 04/28/2009 COOPER & DUNHAM, LLP 30 Rockefeller Plaza 20th Floor NEW YORK, NY 10112				
EXAMINER DEFRANK, JOSEPH S				
ART UNIT		PAPER NUMBER		
3724				
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04/28/2009		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/562,178

**Applicant(s)**

SVENSSON, MIKAEL

**Examiner**

JOSEPH DEFRANK

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02 January 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-5, 7-9, 11 and 12 is/are pending in the application.
- 4a) Of the above claim(s) 2-5, 8 and 9 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 7, 11 and 12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 January 2009 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. This action is in response to the amendment filed on 1/2/09. Claims 1-5, 7-9, 11, and 12 are pending. Claims 2-5, 8, and 9 are withdrawn.

### *Drawings*

2. The drawings were received on 1/2/09. These drawings are acceptable.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
  2. Ascertaining the differences between the prior art and the claims at issue.
  3. Resolving the level of ordinary skill in the pertinent art.
  4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
5. Claims 1, 11, and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Newell et al. (WO 00/02715; hereafter Newell; as previously cited) in view of Mills (US 5,002,524).
6. With respect to claims 1 and 11, Newell discloses a machine for slitting plane packaging blanks (2), said machine comprising: a driving roller assembly (40, 40, 56, 56, and additional drive roller; see page 15 lines 7-10) for advancing said packaging

blanks; at least one rotatable slitting roller (46) with at least one knife (54) for producing a front edge slit (leading slot; see figures 8a-8c) and a rear edge slit (trailing slot, see figures 8a-8c) in each packaging blank, said knife (54) being sector-shaped, and defined by two knife end edges (knife has two edges formed by the gap which corresponds to the section of the board not cut), a first knife portion adjacent a first knife end edge being adapted to cut the front edge slit (leading slot) out in a front edge of said blank (2), and a second knife portion adjacent a second knife end edge being adapted to cut a rear edge slit (trailing slot) out in the rear edge of said blank (2) and rearwards through said rear edge while said blank (2) is advanced through the machine at a uniform speed (please refer to figures 8-9 for clarification on this sequencing), wherein the sector-shaped knife (54) extends over a per se known central angle  $\nu$  of approx  $225-300^\circ$  (see page 14 lines 22-24), and that the first knife end edge of the first knife portion turns from an initial position - in which the first knife end edge is positioned at a predetermined central angle  $x$  from radius to a cutting site substantially corresponding to a desired slit length - and a central angle  $x$  forwards until the front edge slit (see figure 8c) has been cut, and wherein said knife (54) is retarded when a knife gap (see figure 9a) is positioned above the blank (2) and wherein the second knife end edge of said second knife portion turns from an initial angular position and downwards into the blank at the cutting site for the production of the rear edge slit (see figure 9b), and is subsequently turned an arc substantially corresponding to a length of the rear edge slit of said blank (see figure 9b and 9c), where said second knife end edge is retarded and then turned forwards in such a manner that the first knife end edge

reaches an initial position ready to make slits in a subsequent packaging blank (2), a back pressure roller (48) comprising two relatively thin, circular disks (55) interspaced a distance corresponding to the thickness of the knife. Newell does not disclose the knife extending a distance into the space between the two circular disks. Newell further does not disclose the back pressure roller being provided with a resilient coating.

Mills discloses a slitter wheel setup (figure 1) comprising a slitter wheel (12) and a back pressure roller (24). The back pressure roller comprises two thin disks (28, 30) which are separated by a distance corresponding to the thickness of the knife. The back pressure roller further comprises an resilient coating (15). During operation, the knife extends into the space between the two circular disks and onto the elastic coating in order to adequately support the board with a respective load while the slotting occurs (see column 3 lines 13-20). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the slotter of Newell to have the backpressure roller aligned in such a way where the knife enters the space between the two thin disks and has an resilient coating in order to help support the slotting load in view of the teachings of Mills.

7. With respect to claim 7, Newell discloses the blanks being made of corrugated board (page 1 lines 1-7).
8. With respect to claim 12, the modified apparatus of Newell discloses the resilient coating comprising an elastomer, but does not specifically disclose the elastomer being rubber. Examiner notes that rubber is an elastomer. It would have been obvious to one having ordinary skill in the art at the time the invention was made to use rubber as the

specific type of elastomer used in the backpressure roller of the modified apparatus of Newell, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. *In re Leshin*, 125 USPQ 416.

***Response to Arguments***

9. Applicant's arguments with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOSEPH DEFRANK whose telephone number is

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(571)270-3512. The examiner can normally be reached on Monday - Thursday; 9am-6pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer Ashley can be reached on (571) 272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jason Daniel Prone/  
Primary Examiner, Art Unit 3724

Joseph De Frank  
Examiner  
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